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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,467	01/16/2002	Gerard Cote	N0349/7214 DW	6156

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08/08/2003

David Wolf
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Federal Reserve Plaza
Boston, MA 02210

EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 08/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

CS

Office Action Summary

Application No.

10/050,467

Applicant(s)

COTE, GERARD

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,5,7,8 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

Drawings

1. The corrected or substitute drawings were received on 6/24/2003. These drawings are approved by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 12 is finally rejected under 35 U.S.C. 102(b) as being anticipated by Barnett et al. (5,704,479; hereinafter Barnett'479). Barnett'479 discloses an insert /box (28, 28') comprising an inner side wall (42, 50, 78, 80) having a journal (48, 82, 84) for supporting a spool with portions of inner side wall closely facing the spool side wall (34) and an outer side wall (38, 40) forming an exterior portion of the insert/box. The inner side wall is adjacent and parallel to the outer side wall and the inner side wall and the outer side walls is integrally formed from a common sheet of cardboard (Figures 1 and 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5, 7, 8 and 12 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (5,704,479; hereinafter Barnett'479) in view of Gaffney (4,382,510) and Mason (4,417,660). Barnett'479 discloses a box (30) formed from a single sheet of cardboard for dispensing a length of cable (24) wound around a spool (22, 26) comprising at least six outer walls including a pair of opposed, rectangular side walls (54, 56), a front wall (58), a back wall (60), a top wall (62), a bottom wall, an opening (70) in one of the walls, a cable spool support (28') located in the box including a pair of rigid supports (78, 80) parallel to one another and shaped to support opposite ends of a spindle and each of the supports including a journal (82, 84) integrally formed in the support (Figures 1-2 and 5). Barnett'479 also discloses the other claimed limitations except for a panel in one of the walls of the box adapted to be displaced to provide the opening and the pair of rigid supports being integrally formed of the single sheet of cardboard. Gaffney shows a box for dispensing a coiled elongated web (12) comprising a box having a plurality of walls with one of the walls including a panel (30) adapted to be displaced to provide an opening for dispensing the web (Figures 1 and 2). Mason teaches a shipping carton having anchoring flap means integrally formed from the same sheet of the carton to eliminate the need for separate inserts to reduce the cost of manufacture (column 1, lines 61 through column 2, lines 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Gaffney and Mason to modify the box of Barnett'479 so it includes the opening comprises a panel adapted to be displaced to provide the opening to prevent dust or others from getting into the box during storage as taught by Gaffney and the pair of rigid supports is integrally formed of the single sheet of cardboard to reduce the cost of manufacture since it has been held that forming in one piece an article which has formerly been formed in two

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pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

6. Claims 13-16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 12 above, and further in view of Official Notice. Barnett'479 further fails to show a score line being positioned at an upper edge of the box in lieu of bend line (46). Official Notice is taken of the old and conventional practice of providing a score line to facilitate bending of a portion of a wall. It would have been obvious to one having ordinary skill in the art in view of Official Notice to modify the bend line of Barnett'479 so the bend line comprises a score line to facilitate bending.

Allowable Subject Matter

7. Claims 9-11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to all pending claims have been considered but are deemed to be moot in view of the new grounds of rejection.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 872-9301. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
August 7, 2003



Luan K. Bui
Primary Examiner